

Aboriginal **AWARENESS** Workshop



**Atlantic
Region
Module**



Aboriginal Awareness Workshop

Atlantic Region Module

This document is not intended to be the definitive historical or cultural account of events, but rather to provide some background information. The research and writing were undertaken by an Aboriginal contractor on behalf of the Department of Indian Affairs and Northern Development, and the interpretation of events and views expressed herein should not be regarded as necessarily those of the department. Although every effort has been made to ensure accuracy, currency and reliability of the content, Indian and Northern Affairs Canada accepts no responsibility in that regard.

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List of acronyms

JEDI: Joint Economic Development Initiative

LIA: Labrador Inuit Association

LMA: Labrador Métis Association

MOU: memorandum of understanding

NATO: North Atlantic Treaty Organization

RCMP: Royal Canadian Mounted Police



Before **You Start...**

This regional module will provide participants and the facilitator with insight on the general issues facing Aboriginal people in Atlantic Canada. It should be presented by speakers from the host community or region; however, this text can be used to present the unit if speakers are unavailable.

Some of the information highlighted in the Current Activity section was taken from materials available at the Department of Indian Affairs and Northern Development's (DIAND) Information Kiosk. Speakers may find it useful to address how some of the initiatives described in this section are developing in the host community.

This module is one of nine, each one corresponding to a different region: Alberta, British Columbia, Manitoba, the Northwest Territories and Nunavut, Ontario, Quebec, Saskatchewan, Yukon, and Atlantic Canada.

Statistical Overview of Aboriginal Peoples in Atlantic Canada

- 31 First Nations
- 25,186 Status Indians
- 64,945 Non-Status Indians
- 4,355 Métis people

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"red Indian"
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General Overview

This module introduces participants to the Aboriginal peoples of Atlantic Canada, and suggests topics and issues for discussion. Keep in mind, this is only a brief summary of key issues.

Historical Background

The Aboriginal peoples of what are today Canada's Atlantic provinces—Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland and Labrador—are believed to be the first Aboriginal North Americans to encounter Europeans. Consequently, they were also among the first to experience contact's sad, and often tragic, effects.

When first contact occurred is subject to historical debate, but there is little doubt that it dates at least as far back as the end of the 10th century. Literature and archaeology both attest to a Viking presence in Newfoundland and Labrador by then, and it's likely these explorers traveled down the coast as far as Florida. This initial encounter, however, was short-lived; it probably had little effect on the Aboriginal way of life.

It wasn't until the 16th century that regular contact between Aboriginal peoples and Europeans (explorers, adventurers, fishermen and settlers) took place. We know for certain that by the year 1500 (and probably even before), European fishermen visited the coasts of Atlantic Canada regularly. At first, they landed only briefly to take on fresh food and water. But by the beginning of the 16th century, coastal fishing stations cropped up during the summer months.

The European fishery led to casual trade with First Nations. This led to the organized fur trade, which in turn led to the first permanent European settlements on the coast.

The French established settlements at Port Royal in 1605. Shortly afterwards, they added settlements at Port Rossignol and LaHavre on the coast of present-day Nova Scotia. At this time, five distinct First Nations occupied the region: the Mi'kmaq and Maliseet in the Maritime provinces; the Beothuk in Newfoundland; and the Innu (or Montagnais-Naskapi Indians) and Inuit in the Quebec-Labrador peninsula.

Today, the Aboriginal peoples of Atlantic Canada are descended from four of these original cultures; the Beothuk were pushed into extinction by the end of the first quarter of the 19th century.

The Beothuk

The Beothuk, who occupied Newfoundland for at least 7,000 years, were the first Aboriginal people to encounter Europeans. In fact, the term "red indian" comes from their practice of using red ochre to paint their canoes, artifacts and bodies.

Before Europeans came to their island, the Beothuk were primarily a coastal people. They lived in small communities nestled in bays and inlets. They fished and hunted seals, other sea mammals and birds. They only visited the island's interior to hunt caribou at river crossings.

The arrival of European fishermen and settlers drove them from their traditional homelands along the coast into the bleak interior. There, and whenever they ventured near the coast, they were pursued by the new inhabitants (and the Mi'kmaq from the Maritime mainland) with a truly ferocious and genocidal vengeance. Weakened and decimated by starvation, those who survived the exile into the interior were either slaughtered or died of European diseases against which they had no immunity. The last known Beothuk survivor, a woman by the name of Shewanadithit, died in St. John's in 1829 after several years in captivity.

The Mi'kmaq

Archaeologists have discovered at present-day Debert, Nova Scotia, evidence of Aboriginal settlement dating back 10,600 years. Whether or not the Mi'kmaq are the descendants of these earliest peoples is not known.

When the Mi'kmaq first encountered Europeans in the 16th and 17th centuries, their territory stretched from the southern portions of the Gaspé peninsula eastward to embrace most of modern-day New Brunswick, and all of Nova Scotia and Prince Edward Island.

This area was divided into seven smaller territories loosely united by a common language, kinship and political alliances. Unlike some of their southern neighbours, their society was not based on agriculture; they hunted, fished and gathered their food. This meant their settlement patterns were largely governed by the rhythm of the changing seasons. From April through October, they lived together in villages that were ordinarily located

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remained faced
starvation.*

at the mouth of a large river. Food was abundant and readily available. In the fall, hunters (often accompanied by their households) moved into the interior to fish on the lakes and rivers and hunt wildfowl, beaver, moose and caribou.

Before the Europeans came, the European notion of "ownership" was foreign to the Mi'kmaq. Theirs was essentially a communal society. While individuals and families had some private possessions, they shared most of what they had. And while specific hunting and gathering territories were allocated to the households of the encampment by the village chieftain, these rights were for limited periods; they belonged to the community at large.

The Mi'kmaq traded with other Aboriginal peoples, particularly other Algonkian peoples, such as the agricultural Armouchiquois who lived in present-day New England. At the core of their religious beliefs was the interdependence of all natural beings, so they could only take from the land and sea what was necessary to satisfy their immediate needs.

The fur trade with the French, which flourished in the region between 1580 and 1700, provided a new economic base. This was a period of great cultural change. The French brought with them new foods, clothing and an impressive array of technological gadgetry (including firearms); they also introduced a bewildering collection of new ideas. They came to trade and settle, but also to convert the inhabitants to Christianity.

The French also brought diseases. Millions of Aboriginal people died of previously unknown diseases in the first centuries after contact.

The Mi'kmaq were no exception. Their population declined radically. Still, a certain vitality characterized this first period of Mi'kmaq-European contact. Relations with the French were friendly, and the Mi'kmaq readily adapted their traditional way of life to the fur trade. They also adopted Christianity.

But the socio-cultural consequences were immense. The entire Mi'kmaq economy changed. Increasingly, food and clothing were obtained from the French through the fur trade. This not only created a new economic dependence, it also seriously affected the quality of life in a community already facing the threat of new diseases.

European foods were not as nutritious, nor the clothing as adequate to the environment, as the traditional Mi'kmaq diet and clothing. Family patterns also changed after the establishment of the fur trade: the new foods and clothing, and especially the new religion, combined to undermine the traditional role of women in Mi'kmaq society.

The fur trade also undermined traditional leadership patterns within the community, as a new class of people arose to act as intermediaries with European traders. We are left with the picture of a society helplessly caught in a transition so radical as to be almost unimaginable.

By the first half of the 18th century, the fur trade had decimated the population of fur-bearing animals on the east coast, and the trade moved into the western reaches of the continent. Gradually, the Mi'kmaq lost their new economy. Attempts were made to return to the traditional ways, but were undermined by the French missionaries, who did their best to oppose what they saw as a regression.

With pressure and encouragement from the Church, permanent settlements were established in Antigonish, Schubunacadie and around the shores of the Bras d'Or lakes in Cape Breton. But while some of the women, children and old people were willing to settle down to farming, most preferred to return to their ancestors' nomadic way of life.

Politically, the 18th century was a time of turmoil for the Aboriginal peoples of the East coast. More and more, they were drawn into wars between the French and the English. With the Treaty of Utrecht in 1713, the British gained control of most of the traditional territory of the Mi'kmaq and Maliseet peoples. The French, who still occupied the island of Cape Breton (then Isle Royale), fanned Mi'kmaq hostility toward the British. From 1715 until the final fall of the fortress of Louisbourg in 1757, there were occasional raids and armed skirmishes.

Throughout this century, the European population, particularly in the Nova Scotia peninsula, steadily increased. During the early part of the century, the British kept largely to Annapolis and Canso. Halifax was founded in 1759 with the arrival of 2,400 settlers and, shortly afterwards, surveyors were sent out across the peninsula to map the newly acquired lands. This increased Mi'kmaq fears of an English takeover of their land, a fear that became reality with the massive influx of Loyalist settlers from New England after the American Revolution of the 1780s.

It was during this period, beginning in the second half of the 18th century, that the Mi'kmaq endured the most devastating cultural onslaught. While the fur trade had been culturally and socially disturbing, it had built upon the skills and life patterns of the Mi'kmaq. They had become an integral part of the colonial economy of the day; in fact, they were an indispensable and powerful part of that economy. During the fur trade era, the Europeans weren't interested in altering the Mi'kmaq way of life—an outlook which created a lot of tension between the traders and the Catholic missionaries.

*Tribal lands
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the Maliseet
were divided
up and sold
or given to
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and European
immigrants
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region after the
American
Revolution.*

With the end of the fur trade and the rapid rise of a settler economy, however, this changed. The new policy of cultural genocide began with a British attempt at pure and simple genocide. After founding Halifax in 1759, Lord Cornwallis initiated a campaign against the Mi'kmaq. He offered monetary rewards for scalps, ordered the destruction of forests by fire and commissioned three companies to exterminate them. By 1761, it is estimated that the original Aboriginal population had been decimated by two thirds, and those who remained faced starvation. Two decades later, at the close of the American Revolution, the Mi'kmaq were "no longer of account as allies, enemies or people," according to British officials.

The Maritime region was overrun with Loyalist refugees, and the European population tripled to 42,000 within a single year. In the ensuing rush for land, the Mi'kmaq and the Maliseet were pushed aside. The new settlers wanted the best lands for farming; they wanted access to water power for gristmills and sawmills, and to the rivers and oceans for fishing. The Mi'kmaq lost the best coastal locations to the European fishery; dams and mills on the rivers interfered with the seasonal migration of fish; and game became increasingly scarce as a result of the massive destruction of forests and increased competition for game. The nomadic Mi'kmaq had no role to play in this new, settler economy. With their traditional economy destroyed, starvation and poverty were inevitable.

By 1840, the Mi'kmaq in the area were very nearly extinct; only 1,300 remained alive. Starvation, combined with inadequate housing and clothing and epidemics of smallpox, hepatitis and typhus, reduced their population still further.

Little attention was paid to their increasingly desperate plight between 1770 and 1840. The only relief—usually blankets and food—came when a military threat loomed and it was feared that the Mi'kmaq might side with the enemy. Once more, these limited relief efforts were seen more as charity than compensation or the fulfilment of obligations.

Starting in 1827, annual grants were provided in an attempt to alleviate the destitution of the Mi'kmaq. The sad tale of these years is recorded in the ledgers outlining the disbursement of these funds—with each passing year, the proportion used to pay medical bills rises.

The Mi'kmaq were now homeless in their own land. They were forced to apply to the government for land grants. In the following century, each county was ordered to set aside reserve lands, but most of these lands had no agricultural value, with poor access to other resources. Government policy was to assimilate the Mi'kmaq into the predominant agricultural sector of the economy. Beginning in the 1840s, the government of Nova Scotia attempted—albeit in a sporadic and often impractical fashion—to settle the Mi'kmaq on their own farms.

The policy was a dismal failure. Supplies were often delivered at the wrong time of year, and in insufficient quantities. Seed potatoes were sent to starving communities, where they were promptly eaten rather than planted. Little or no technical advice was provided and, to a people unfamiliar with agriculture, this was a serious obstacle to success. Finally, the poor quality of the lands reserved for the First Nations made failure inevitable.

In general, the Mi'kmaq paid little attention to government schemes for their future during the 19th century. The whims of successive governments affected them little. They continued to regard the land as their own and refused, as much as possible, to relinquish the seasonal rhythms of their traditional lifestyle. They wouldn't remain on their reserve lands, but instead continued to hunt and trap in the forests, and fish along the coasts in spring and summer. As these traditional resources declined, however, they were forced to come to terms with the dominant non-Aboriginal economy of the area.

Some put their knowledge of the natural environment to good use and offered their services as guides to European sportsmen and travellers. At Bear River, in Nova Scotia, the local Mi'kmaq community made quite a good livelihood throughout much of the 19th century by hunting porpoises, whose blubber yielded much-needed oil. Throughout the region, Mi'kmaq women turned to handcrafting baskets, cases, sewing boxes and chair seats.

From the 1840s until Confederation in 1867, the Mi'kmaq gradually recovered a semblance of economic stability. Their population decline reached its lowest point in the 1840s and gradually rose thereafter. Between Confederation and the Second World War, there were two primary influences on the Mi'kmaq way of life: the assumption of federal responsibility and control over Aboriginal affairs, and industrial development in the Maritimes, principally in Nova Scotia and New England.

With Confederation, the federal influence was felt almost immediately. Suddenly, government became interested in the "affairs" of First Nations (certainly in comparison with the preceding colonial period). In 1876, the *Indian Act* was passed and, in 1880, a separate government department was established to manage Aboriginal affairs. Gradually, a framework was developed with the intention of controlling every aspect of Aboriginal life. The agents of the federal government continued attempts to assimilate the Mi'kmaq by encouraging them to farm the land. This time, the policy met with greater success. The number of Mi'kmaq employed in agricultural activities steadily climbed throughout the region from 1867 to 1940.

Certain industries established a solid presence in the region. The pulp and paper industry prospered; coal, steel and iron production flourished; and an agricultural and food processing industry took hold.

The shift from an agricultural economy to a more diversified industrial economy benefited the Mi'kmaq—at least at first. Especially in Nova Scotia, the Mi'kmaq moved into the work force—holding down jobs in the steel industry, in coal mining, in fruit and vegetable canneries, in sawmills and brickworks, in the pulpmills and dockyards of the larger port cities of Halifax and St. John's. After the turn of the century, the Mi'kmaq moved into construction work, particularly as wage labourers on public construction projects.

The federal Department of Public Works appears to have had an affirmative action policy in place for Aboriginal workers in the region. Mi'kmaq from across the Maritimes were hired in the reconstruction of St. Peter's Canal in Cape Breton in the first decades of the 20th century, and in highway, railroad and federal building construction throughout the area.

What's more, when they couldn't find jobs in the Maritimes, the Mi'kmaq migrated south to work for New England manufacturers. Many Mi'kmaq men and women were first exposed to the industrial way of life in the shoe factories and textile mills of Boston, Bedford and Philadelphia. Today, there are thriving Mi'kmaq communities in many New England cities, particularly Boston.

During this period, the Mi'kmaq contributed to the economy of the era, mainly as unskilled labour. Still far from prosperous, they had nonetheless succeeded in improving their lot substantially.

During the Great Depression of the 1930s, the Mi'kmaq started to lose their foothold in the industrial economy. They were the first workers to lose their jobs, for two reasons: their jobs were more expendable, and they were seen as wards of the state who didn't need jobs as much as non-Aboriginal people.

Since the Second World War, unemployment has been chronic throughout the region. While most of the Mi'kmaq work force was employed (or self-employed) in the first decades of the century, 66 percent of the area's Aboriginal labour force was unemployed by 1976.

The Maliseet

The Maliseet are the only other Aboriginal people living in the Maritime provinces today. Their lands once stretched along the banks of the St. John River (in present-day New Brunswick and Maine) and extended as far west as the St. Lawrence. The Maliseet, like their Mi'kmaq neighbours, are Algonkian. But while the two nations share a similar natural environment and way of life, their languages and cultures are quite distinct. The Maliseet are closer to neighbouring American Native peoples in Maine, New Hampshire and Quebec than to their Mi'kmaq neighbours to the north and the east.

Like the Mi'kmaq, the Maliseet gathered together in villages along the shores of the St. John River in the spring and summer months. With the approach of winter, they dispersed into the interior, separating into smaller family groups. Each spring, with the break-up of ice on the waterways, the entire community assembled at Meductic, just outside of Woodstock, New Brunswick, where they celebrated the coming of summer.

The Maliseet's history following European contact follows essentially the same patterns as that of the Mi'kmaq. French missionaries, the Récollect Fathers, came in 1613; the conversion of the Maliseet soon followed. As did their Mi'kmaq neighbours, they prospered—despite drastic population losses due to disease—during the fur trade era. They were also left without a source of livelihood when the fur trade collapsed in the early 18th century.

Unlike the Mi'kmaq, the Maliseet readily turned to agriculture. The women took over a greater share of economic responsibility during the drawn-out wars that characterized Queen Anne's reign, and began raising crops like their southern Aboriginal neighbours. But in the latter half of the 18th century, the Loyalists from the south took for themselves the rich farmlands of the St. John River Valley. Like the Mi'kmaq, the Maliseet suffered, starved and died until the colonial government was pressured into creating reserves and providing some relief in the 19th century. The Maliseet of New Brunswick endure the same poverty and unemployment as the Mi'kmaq.

The Innu or Montagnais-Naskapi Indians

The Innu (or Montagnais-Naskapi people) of the Quebec and Labrador Peninsula trace their ancestry to several regional groups. The Naskapi (or Mushuau Inuit)—sometimes called the "Barren Land People"—occupied the desolate interior lands of the far north; the Montagnais (or Mountain People) lived

in the forests of the south. Both groups belong to an extremely ancient caribou-hunting culture. Because of their geographic isolation, they remained largely unknown and unaffected by European contact until well into the first part of the last century. Although intrepid missionaries managed to reach the southern Montagnais in the 17th century, it wasn't until Hudson's Bay Company outposts were set up in the 1830s that contact began on a sustained basis.

The Innu's nomadic hunting culture wasn't suitable to the fur trade. A serious decline in the caribou herds and a drastic change in the animals' migratory patterns drove them to the coast, where they were forced into a radically different lifestyle. Despite tremendous pressure to assimilate, however, the Innu have retained a strong orientation toward their traditional homelands in the interior and toward their former nomadic way of life.

Traditionally, the Innu spent the summer along the coast where the fishing and hunting were best; then, in early fall, they moved to the northern interior of the peninsula, where they fished and hunted, especially caribou. In fact, their way of life revolved around the caribou hunt.

Given the often unpredictable movement of caribou over vast distances, the Innu hunter and his household had to be both self-sufficient and readily mobile. While the division of labour had men hunting and fishing and women taking care of the household, roles could sometimes be reversed. Self-reliance and independence were necessary to survival.

Innu culture stressed communal sharing, interdependence and egalitarianism. Strict rules and customs dictated that food be shared. The Innu way of life was deeply and intrinsically spiritual; breaking rules and circumventing customs resulted in strong social sanctions. For example, a hunter who failed to share his game offended the community; his actions upset the balance between the group and the natural environment, upon which all depended for survival.

The most important Innu communal tradition, a meal known as the "Mokoshan," took place during winter. This elaborate spiritual and cultural ritual involved the sacred marrow of caribou bones. It was held in honour of "Katipinimitaoch," the spirit of the caribou and the focus of their religion. They believed the good will of Katipinimitaoch was crucial to the success of the hunt, and held the Mokoshan to ensure his co-operation.

Contact with the Europeans undermined the basis of the Innu way of life by distorting and destroying its internal and unifying logic.

A centralization program was sponsored in Labrador in the 1950s involving the Innu and other Aboriginal communities of the Maritimes—as well as the isolated non-Aboriginal communities or outposts on the island of Newfoundland. The rationale centred on the tremendous advantages associated with "economies of scale." Centralization would provide better education and guaranteed jobs.

But where pervasive congeniality, common purpose and communal sharing once set apart traditional Innu hunting camps, they're now known for their social problems: alcoholism, violence, sickness, boredom and despair. The virtues of the old Innu way of life have little or no place in this strange new world.

In the early 1970s, the Innu began to organize politically, though this was complicated because they straddle two provincial jurisdictions: Quebec and Newfoundland. Eventually, three main groups emerged: le Conseil Attikamek-Montagnais in Quebec, the Naskapi Montagnais Innu Association,

and the Naskapi of Schefferville. All of these groups are negotiating with the federal government.

Inuit

Labrador Inuit live in the northern reaches of the Labrador peninsula. They are kindred to a much larger nation, with traditional homelands that stretch from Soviet Siberia to the northern Canadian Arctic, from Alaska in the west to Greenland in the east. While they speak a dialect of the shared language, their technology, culture and social organization set them apart.

Like the Innu, they were herded together in "population centres" in the 1950s and 1960s. From a dozen small villages—each with its own cultural identity, customs and beliefs—they were resettled into five communities: Nain, Hopedale, Malkovik, Rigolet and Postville. Conflict and cross-cultural problems arose. Today, little remains of these old settlements, or the traditional customs and ways of life they nurtured.

Before centralization, Inuit of northern Labrador looked to their Elders for leadership and guidance. These Elders—older community members respected for their experience and knowledge—had considerable authority and influence in their respective communities. But in the resettlement centres, they lost control. While the new communities had schools and health-care facilities, they also fostered new problems that the Elders were powerless to solve: inadequate housing, the idleness and stress of unemployment, and the availability of alcohol.

These and other pressures led to escalating chaos and violence. The traditional bonds of community life deteriorated. The police, school teachers, health-care professionals and social workers failed to fill the void.

Today, few Labrador Inuit live off the land. They depend on grant money and imported foods. The government housing construction program is terribly slow and under-financed. As many as three families are crowded into one house.

One of the biggest problems in these communities is the lack of Aboriginal professionals skilled in health care, social work, law, education and general administration. An Aboriginal youth looking at that sort of career must first enter a complex and foreign culture; many can't adjust, and those who do often sacrifice their culture to succeed.

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During the 1960s, boarding schools were opened in Northwest River in central Labrador and at St. Anthony on the island of Newfoundland for Aboriginal children who wanted to go past Grade 9. Fran Williams, an Inuk (singular of Inuit) from Nain studied at one of those boarding schools; she became a nurse. By the time she returned home, she could no longer speak her language, Inuktitut; what's more, she couldn't communicate with patients and relatives from her hometown at first. There is something fundamentally wrong with an educational system that so drastically fails its community.

The Métis People of the Atlantic

The term "Métis people" isn't commonly used in the Atlantic region. That said, by the mid-1600s it was clear that most of the permanent non-Aboriginal families in the area were of mixed ancestry, distinct from both the Mi'kmaqs and the French and English settlers.

Following the English Conquest in the mid-1750s, some of these families were shipped off to penal colonies in the Falklands and in Louisiana. Those remaining fled north and west to the St. Lawrence Valley, and to the upper Great Lakes around the Sault area.

Treaties negotiated in the early 1700s included people of mixed ancestry. As a result, there is some lingering confusion concerning the "Métis" identity of their descendants. That said, the exclusion of Métis people in the *Indian Act*, and the government's failure to recognize, until recently, pre-Confederation treaties in the Maritimes, created a disenfranchised Aboriginal population. Some Métis people now identify themselves as such, as a way of asserting their rights and relating to the world.

The Labrador Métis People

The Métis community of Labrador was largely overlooked until the early 1980s. They are 5,500 strong and live in 24 communities. The descendants of Inuit, Innu, Cree, Mi'kmaq and various European peoples who intermarried over the years, they live primarily off the sea and land, very much like their Aboriginal brothers, sisters and cousins.

When provincial and federal governments began to negotiate land claims with Labrador Aboriginal peoples, it became necessary for Labrador Métis people to assert themselves as Aboriginals.

The Labrador Métis Association (LMA) was formed in 1981. It's currently negotiating a comprehensive land claim on behalf of its membership with the federal government.

Aboriginal Justice

The administration of Aboriginal justice is a pervasive issue, in Labrador as in other places. In 1981, the case of Cajetan Rich, an Innu from Davis Inlet (where the Naskapi Indians settled Davis Inlet after the Hudson's Bay Company moved north), made headlines. Rich was convicted of manslaughter in the death of his friend, Marcel Nui. In sentencing the former band council Chief, Newfoundland Supreme Court Justice John Mahoney described the case as "special, because it involves someone whose background and environment are different from most of the people who appear before me."

Nui was killed one winter evening when both men got drunk on homemade alcohol. They argued, and Nui died the next day of head injuries sustained during the ensuing brawl. Instead of the five-year minimum sentence, Rich was sentenced to 22 months.

Apart from the sentencing, the trial typified the way Aboriginal people are dealt with in the criminal justice system. The trial was held in Goose Bay, a predominantly non-Aboriginal town more than 200 kilometres south of Davis Inlet. Witnesses had to be flown in for the trial. Not one Aboriginal person sat on the jury. Newfoundland's *Juries Act* stipulates jury members must live within 25 kilometres of the court house, and the closest Aboriginal community (Sheshatshui) is 50 kilometres away.

Since then, the *Juries Act* has been amended to include Sheshatshui within the jury selection boundary and a permanent district court judge has been stationed in Goose Bay: a step—albeit a small one—to address the alienation of Aboriginal people from the criminal justice system.

In the 1970s, Aboriginal people made up more than 50 percent of all Labradorians sent to prison (they only make up 12 percent of the territory's population). Despite these statistics, most Aboriginal people never get a jury trial and are rarely called upon to participate in one.

The Canadian legal system is complex and foreign to Aboriginal people. Insufficient attempts have been made to teach them about it. If trials were held in the Aboriginal communities where the crimes are committed, more people might have a chance to become familiar with the process. For many, English isn't their first language, nor even well understood, so competent interpreters working with the legal profession are needed.

Regional Concerns

Land Claims in the Atlantic Region

France was the first European nation to lay claim to Mi'kmaq and Maliseet territories on the East Coast, in the name of their king. Because they didn't see these First Nations as sovereign peoples who already had a legitimate and natural title to the land, they didn't bargain for the land. Nor did they conclude treaties that legally ceded these lands to the King of France, as did their English and Spanish contemporaries to the south.

Most of the region fell to the British after the Treaty of Utrecht in 1713. The British took over the rest in 1757, after the fall of the great fortress of Louisbourg on Cape Breton Island. The British Crown recognized the general and legal legitimacy of Aboriginal title. They regarded the Aboriginal people of Nova Scotia as nations, and legitimate owners of the territory.

But the British believed the Aboriginal peoples had already ceded their lands to France. So instead of buying Aboriginal lands as they had done in New England, they simply negotiated a series of treaties and alliances with First Nations to keep them from allying with the French, who still occupied Île Royale (Cape Breton) and Île St. Jean (Prince Edward Island). Four such treaties were concluded with the Mi'kmaq and Maliseet in 1725, 1728, 1749 and 1752.

These treaties don't mention the cession of Aboriginal lands; Aboriginal peoples simply promised to live peacefully with the British in return for religious freedom and the right to hunt and fish without interference. British authorities, however, did little to live up to these terms. Local governors granted Aboriginal lands to settlers despite explicit orders from London to purchase these lands before allowing settlement.

In 1763, a Royal Proclamation was issued. It set out the government and boundaries of Canada (Quebec) and, at the same time, recognized the relationship of Aboriginal peoples to their tribal lands throughout North America. The defence of Aboriginal rights in this Proclamation was so strong, it's become known as the Charter (or Magna Carta) of Indian Rights. The British government granted full recognition of Aboriginal title, and stressed that settlement could proceed only through the legal purchase of lands from their rightful Aboriginal owners.

The Proclamation applied throughout the colony. Aboriginal lands within established British colonies that hadn't been ceded to the Crown were reserved to their Aboriginal owners until they wished to sell.

Unfortunately, the Proclamation was almost completely ignored. Tribal lands belonging to the Mi'kmaq and the Maliseet were divided up and sold or given to Loyalist settlers and European immigrants flooding into the region after the American Revolution.

To this day, the issue of Aboriginal title to the lands in this region remains unsettled. The Union of Nova Scotia Indians has vigorously battled in the courts for Aboriginal jurisdictional rights.

A landmark 1985 Supreme Court decision involving a Nova Scotia Mi'kmaq guaranteed Mi'kmaq jurisdiction over hunting rights within the province. This decision gives the community a powerful bargaining tool when negotiating land claims. The ramifications of this decision on the settlement of Aboriginal land claims and the issue of Aboriginal rights in the three Maritime provinces remain unclear.

The first settlement of a specific claim in the Atlantic region was in 1982. The Wagmatcook First Nation of Nyanza, Nova Scotia, accepted \$1.2 million to settle a long-standing land claim. The Big Cove First Nation of New Brunswick settled its treaty land entitlement claim in 1988.

Land Claims in Newfoundland and Labrador

The original inhabitants of Newfoundland, the Beothuk, are extinct. But there is a Mi'kmaq community at Conne River, near the town of St. Albans in the Baie d'Espoir region. The Mi'kmaq have been in Newfoundland since at least the 18th century.

In Labrador, the situation is different. No treaties have been signed, and no lands have been sold or transferred to non-Aboriginal interests. Currently, the Inuit and the Innu are negotiating comprehensive land claims with the federal government.

Labrador Métis Claims

Squeezed out of claims processes developed both for Inuit and for Innu in Labrador, the Labrador Métis Association has struggled for several years to have its membership recognized as a distinct Métis population. The LMA is currently negotiating a land claim that involves 15,000 Métis people. The

land in question overlaps lands that belong to the Innu and Inuit, and is based on centuries of traditional use.

The Military in Labrador

Since the mid-1980s, an increasingly volatile issue has emerged. The Canadian Forces maintain a military base at Happy Valley/Goose Bay. North Atlantic Treaty Organization (NATO) pilots from Britain, Germany and the United States have been using this base to practise low-level flying. Recently, they have flown their F-4 Phantom and Tornado jets at 900 kilometres an hour, 100 feet above the lakes, forests and fragile tents of the Innu.

Innu protests were largely ignored at first; now, the base is the scene of ongoing protests. Runways have been blocked. Aboriginal protesters have been arrested for trespassing. Court challenges have been mounted. A very successful media campaign in Western Europe focused considerable international attention on the issue, to the embarrassment of both Canada and NATO participants.

This hasn't helped relations between Aboriginal and non-Aboriginal people in Labrador. The economy of the predominantly non-Aboriginal communities of Happy Valley and Goose Bay is dependent on the military base, and the economic boost that came with NATO use of the base has been welcome. That said, the arguments from both sides continue.

The Mi'kmaq

From 1940 on, the federal government has played an increasingly significant role in Mi'kmaq affairs. Centralization was the philosophy of the 1950s and 1960s. First Nations communities all over the Maritimes were encouraged to consolidate in order to improve "economies of scale." But by the mid-1950s, it became clear that this policy was a failure. The federal response was to buy time by upping welfare payments and spending on job creation projects in those communities. Progress has been made in housing, health care and education, but the economy in virtually all Atlantic First Nation communities is welfare-based.

The Canadian Justice System

Atlantic Canada has one of the lowest number of Aboriginal inmates in its prisons—under 10 percent. This is still high when you consider that Aboriginal people make up only 1.7 percent of the entire population. In Nova Scotia, the criminal justice system came under public scrutiny because

of the Royal Commission of Inquiry into the Donald Marshall case. Marshall, a Mi'kmaq teenager, was convicted of murder in the early 1970s, only to be found innocent after 11 years in prison. The Royal Commission uncovered evidence of rampant racism, as well as serious deficiencies in the administration of justice within the province.

Since the inquiry, Mi'kmaq relations with the provincial government have steadily deteriorated. The main issues are now taxation, and hunting and fishing rights.

Non-Status Issues in the Atlantic Region

The *Constitution Act*, 1982, defines Aboriginal peoples of Canada as Indian, Inuit and Métis peoples. This is one of the biggest issues in the arena of Aboriginal rights today: who is an Aboriginal person, and who isn't.

The problem dates back to Confederation. The first *Indian Act*, passed in 1876, defined an Indian person as:

- one of Indian blood who was a band member;
- one residing with an Indian and who had a parent of Indian blood; and
- a woman married to an Indian.

In doing that, they effectively restricted membership and, in fact, created a category of people of Aboriginal blood who were not legally considered Indians.

The government's intent was to reduce the number of people who could claim status benefits. And with each revision of the Act, they found new ways of restricting membership. Indians who were educated, travelled or were ordained—or Aboriginal women who married Non-Status Indians—lost their status. Eventually, the Minister responsible for Indian Affairs had the power to rule on status. Only recently, with the passage of Bill C-31 in 1985, has the criteria opened up.

In the 1970s, the Métis and Non-Status Indians of the Maritimes began to organize and lobby the federal government to recognize their rights. In 1971, the Aboriginal Council of Nova Scotia was formed to represent all Aboriginal people who fell outside the *Indian Act*. Later in the decade, the Aboriginal Rights and Land Claims Commission of the Maritime Provinces was formed to reaffirm the rights of Non-Status Indians to negotiate Aboriginal rights and land claims.

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CurrentActivity

Mi'kmaq Education Transfer

On February 14, 1997, Canada and Nova Scotia signed an agreement with nine of the province's 13 Mi'kmaq First Nations to transfer jurisdiction over all elementary and secondary educational programming within their communities. Federal and provincial legislation is currently being drafted to give effect to the transfer of jurisdiction.

Policing Agreements

The federal Solicitor General and five Nova Scotia First Nations signed an agreement in 1994 to create Atlantic Canada's first tribal police force. Fifteen Mi'kmaq and two Royal Canadian Mounted Police (RCMP) officers now police five Cape Breton First Nations communities.

Progress on Claims

Federal and provincial governments agreed to resume land claims negotiations with Inuit and Innu groups in 1993.

Labrador Inuit Association

Progress continues on the Labrador Inuit Association claim on behalf of about 4,000 Inuit who live along the Labrador coast. Currently, the three parties are negotiating an agreement-in-principle.

Innu Nation Claim

The Innu Nation comprehensive claim involves about 1,500 Innu in Davis Inlet (Utshimassits) and Sheshatshui. The parties initialled a framework agreement in 1995.

Red Bank First Nation Claim

The federal government and the Red Bank First Nation settled two specific claims in 1994, the first specific claims finalized in the Atlantic region since

1988. One claim compensated the Red Bank First Nation for the loss of parts of their reserved lands to non-Aboriginal people since 1843. The other compensated them for revenues from fishing leases, permits and licences on reserve waters lost between 1892 and 1986. The two claims totalled \$4 million.

Community and Economic Development

Progress at Davis Inlet

The community of about 500 Innu at Davis Inlet is working on community renewal. A wide range of activities to strengthen the community are under way.

Innu work crews built 11 new homes in Davis Inlet in 1995, all of which meet national standards. Sixty of the community's 90 houses have been repaired and renovated.

Water and sewage disposal facilities have been noticeably improved. There is a new 1,000-gallon reservoir. Work crews installed drinking-water and sewer tanks in six new houses in 1993, and piped water to five houses built in 1994. The community also dug a trench to safely dispose of sewage and coliform-infected water.

A youth council works to foster leadership and interpersonal skills, and supports young people in addiction treatment programs. The council also runs a local youth drop-in centre and a women's centre.

Education and training are a fundamental part of the renewal process. About 28 Innu have graduated from a training program designed to address addictions, 75 took construction trade training, 36 took traditional arts and crafts courses, five have been trained by the provincial fire commissioner, 12 are presently taking adult basic education (ABE) and three are enrolled in a business administration program.

On November 13, 1996, the federal government signed an agreement with the Mashuau Innu of Davis Inlet to relocate to Natuashish (Little Sango Pond). This agreement responds to the Mashuau Innu request for their community to be relocated and the federal government's commitment to assist them in addressing the health and safety issues in their community.

Regional and National Economic Development

The New Brunswick Aboriginal Economic Development Committee was created in 1995 to boost business and employment opportunities for Aboriginal peoples in New Brunswick. Partners include the federal and provincial governments, the Union of New Brunswick Indians, the Aboriginal Peoples Council and private industry.

Casino and Gaming Partnerships

The Government of Nova Scotia has created gaming partnerships with its First Nations. They share the profits from a casino in Cape Breton, and are able to conduct "Super Bingos", as well as to operate Atlantic Lottery Corporation slot machines. To participate, First Nations agreed not to establish their own casinos; as well, they agreed to set up a commission to regulate bingo and slot machines in their communities.

Since 1994, three First Nations in New Brunswick have signed agreements with the province to run high-stakes bingos in their communities.

Partnerships with the Private Sector

Since 1994, some of the world's richest nickel, copper and cobalt finds have been staked in Voisey Bay by mining exploration companies. The Innu Nation and the Labrador Inuit Association are talking to mining companies about Aboriginal participation in mining development.

Increased Funding for Post-Secondary Education

Federal funding for the post-Secondary education program budget has steadily increased over the years to an annual budget of approximately \$284 million. In 1996-1997, the program assisted 26,987 post-secondary students across Canada—1,294 students in Atlantic Canada.

Specialized Programs

Memorial University in St. John's, Newfoundland, has designed a Native and Northern Teacher Education Program. It trains Aboriginal teachers to teach in Innu communities in Labrador. The first two Aboriginal students graduated in 1995.

Building New Partnerships

In Nova Scotia, a tripartite forum has provided the impetus for a variety of projects, including a tribal police force for five Cape Breton First Nations; the hiring of an Aboriginal civilian liaison officer to work with the City of Halifax

on Aboriginal policing issues; the funding of a facilitator to address community legal issues in Halifax, Sydney and Bridgewater; and the funding of an Aboriginal-community human-rights facilitator for Nova Scotia.

Joint Economic Development Initiative (JEDI)

There are 15 Aboriginal communities in New Brunswick, composed of members of the Mi'kmaq and Maliseet First Nations. The members of these communities, on and off reserve, are working actively to encourage economic development, notably through the creation of small to medium-sized businesses. Wishing to recognize and encourage these efforts, the federal and provincial governments, together with Aboriginal representatives, have established a consultative exercise called the JEDI. The goal is to bring together Aboriginal, federal and provincial representatives in order to identify and encourage undertakings designed to stimulate economic development in New Brunswick's Aboriginal communities.

The Mi'kmaq-Nova Scotia-Canada Tripartite Forum

The memorandum of understanding (MOU) re-establishes the Tripartite Forum, which provides an arena for the discussion, investigation and negotiation of issues of mutual concern. This may include self-government, economic development initiatives such as the JEDI model developed in New Brunswick, a social services agreement, guidance on the Royal Commission on Aboriginal Peoples (RCAP) report and other issues of concern. The three parties will establish work plans and time lines, and will discuss the manner of negotiation and how resources will be provided for various initiatives. The MOU establishes a political commitment to enter discussions and does not define or effect any legal rights.

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List of First Nations in Atlantic Canada

First Nations	Linguistic Group	Language
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NOTE: Mi'kmaq refers to Micmac (former spelling form)

Prince Edward Island

001 Abegweit	Algonkian*	Mi'kmaq
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002 Lennox Island	Algonkian	Mi'kmaq
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Nova Scotia

018 Acadia	Algonkian	Mi'kmaq
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019 Afton	Algonkian	Mi'kmaq
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020 Annapolis Valley	Algonkian	Mi'kmaq
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021 Bear River	Algonkian	Mi'kmaq
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022 Chapel Island First Nation	Algonkian	Mi'kmaq
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023 Eskasoni	Algonkian	Mi'kmaq
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030 Horton	Algonkian	Mi'kmaq
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*other spelling forms: Algonkin, Algonquian

First Nations	Linguistic Group	Language
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026 Membertou

Algonkian

Mi'kmaq

027 Millbrook

Algonkian

Mi'kmaq

024 Pictou Landing

Algonkian

Mi'kmaq

025 Shubenacadie

Algonkian

Mi'kmaq

028 Wagmatcook

Algonkian

Mi'kmaq

029 Whycocomagh

Algonkian

Mi'kmaq

New Brunswick

003 Big Cove

Algonkian

Mi'kmaq

004 Buctouche

Algonkian

Mi'kmaq

005 Burnt Church

Algonkian

Mi'kmaq

006 Madawaska Maliseet
First Nation

Algonkian

Maliseet

007 Eel Ground

Algonkian

Mi'kmaq

008 Eel River

Algonkian

Mi'kmaq

009 Fort Folly

Algonkian

Mi'kmaq

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027 Millbrook	Algonkian	Mi'kmaq
024 Pictou Landing	Algonkian	Mi'kmaq
025 Shubenacadie	Algonkian	Mi'kmaq
028 Wagmatcook	Algonkian	Mi'kmaq
029 Whycocomagh	Algonkian	Mi'kmaq

New Brunswick

003 Big Cove	Algonkian	Mi'kmaq
004 Buctouche	Algonkian	Mi'kmaq
005 Burnt Church	Algonkian	Mi'kmaq
006 Madawaska Maliseet First Nation	Algonkian	Maliseet
007 Eel Ground	Algonkian	Mi'kmaq
008 Eel River	Algonkian	Mi'kmaq
009 Fort Folly	Algonkian	Mi'kmaq

First Nations	Linguistic Group	Language
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010 Indian Island	Algonkian	Mi'kmaq
011 Kingsclear	Algonkian	Maliseet
012 Oromocto	Algonkian	Maliseet
013 Pabineau	Algonkian	Mi'kmaq
014 Red Bank	Algonkian	Mi'kmaq
015 Saint Mary's	Algonkian	Maliseet
016 Tobique	Algonkian	Maliseet
017 Woodstock First Nation	Algonkian	Maliseet

Newfoundland

047 Miawpukek	Algonkian	Mi'kmaq
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